

**G. Fred Lee & Associates**

27298 E. El Macero Dr.  
El Macero, California 95618-1005  
Tel. (916) 753-9630 • Fax (916) 753-9956  
e-mail gfredlee@aol.com

Please note that the area code for telephone and fax has been changed to 530.

December 8, 1997

Tom Mumley  
SFBRWQCB  
2101 Webster St., Ste 500  
Oakland, CA 94612

Dear Tom:

As a follow-up to the last Urban Pesticide Committee meeting where the Committee members were to e-mail you their comments on what should be the overall "objective," "mission," or "vision" for the Committee, I wish to follow-up on my presentation by indicating that the overall objective of the Committee should be to work toward developing toxicity control programs in urban area and highway stormwater runoff that significantly impairs the designated beneficial uses of the receiving waters for the runoff. This "mission" is in accord with the State Water Resources Control Board's proposed California Toxics Rule approach for controlling toxicity in the State's waters. I feel it is essential to go beyond just the control of toxicity; the Committee should have as its overall goal the control of toxicity in urban area and highway stormwater runoff that significantly impairs beneficial uses of the waterbody. As I discussed, the emphasis should not be on a single chemical, such as diazinon, but should be focused on toxicity irrespective of its cause.

I support all three components of this "mission" as you listed them: regulatory, technical and education. There is need to develop and disseminate information on the appropriate use of pesticides. I do not support those who hold the position that the Committee should focus on reducing the use of pesticides unless it is well established that the pesticide use impairs the designated beneficial uses of the waters of the State or some other significant problem. In the case of organophosphate pesticides, this impairment should be reasonably expected in terms of altered numbers, types and characteristics of desirable forms of aquatic life.

The regulatory attention should be focused on developing regulatory approaches that can be used to control the maximum extent practicable urban area stormwater runoff toxicity which impairs beneficial uses irrespective of its cause and sources. The greatest need in the regulatory arena is to work out consensus guidance on how to determine what represents a significant adverse impact on the beneficial uses of a waterbody due to aquatic life toxicity in stormwater runoff.

The technical components of the overall strategy should focus on determining the water quality significance of the toxicity in urban area and highway stormwater runoff, its causes and the sources responsible for the toxic components/toxicity.

After my presentation, Revital Katznelson was critical of my saying that from my perspective the water quality problems associated with diazinon in stormwater runoff in the Bay region have not been adequately demonstrated. As you may recall, these were my comments on the first draft of her report. While she makes the claim that there are significant data on total toxicity and the role of diazinon as a cause of this

toxicity, I still have not seen any of it. I specifically asked that this type of information be incorporated into her report. Since this was not done, I am questioning whether there is a real body of data that shows: 1) that there is substantial aquatic life toxicity entering San Francisco Bay from stormwater runoff associated with the urban creeks and 2) that diazinon is the principal cause of this toxicity. I am afraid that too much emphasis has been placed in the Bay region on measuring diazinon without looking at the bigger picture. If you know of these data or report(s) that present any significant amount of these data, please bring them to my attention. I feel that it is essential that this kind of information be reviewed as part of developing the Committee's strategy for pesticide toxicity management. A technical component of the Committee's activities would be to compile this information in order to examine the adequacy of the current database on water quality use impairment problem definition.

I suggest that you may want to have Andy Gunther make a presentation to the Committee on their current work on defining toxicity associated with urban creek stormwater runoff as it may impact the Bay. I have been in contact with Andy on a number of occasions regarding the work that we are doing in Orange County vs. the work that they are starting to do in the San Francisco Bay region.

Another technical component of the Committee's activities should be directed toward stimulating work on how pesticides applied around the home for structural and landscape purposes move off the property and become part of the stormwater runoff. I am advocating a significant expansion of Jim Scanlin's work in this topic area.

I wish to bring to your attention that I have recommended to the State Water Resources Control Board, as part of implementing the California Toxics Rule, that consideration be given to developing an approach for allowing stormwater dischargers to obtain a temporary waiver from meeting water quality standards and use attainability associated with wet-weather flows under conditions where the discharger demonstrates that such a waiver will not significantly impact the beneficial uses of the receiving waters for the stormwater discharge. Enclosed is a copy of a draft waiver that I have submitted to Robert Hale. While there may be some who are opposed to this approach, I would hope that when they critically examine it, they find that this approach offers a significant opportunity to develop the kinds of information that is necessary for regulatory agencies, the regulated community and the public to assess on a site-specific basis where stormwater runoff-associated constituents are having an adverse impact on the beneficial uses of a waterbody. Once we better understand how labeled use of organophosphate pesticides around the home results in stormwater transport off the property, we will then be able to direct the education and, if necessary, the regulatory programs to focus on those aspects of pesticide use/transport that lead to water quality use impairments of the receiving waters for the stormwater runoff.

If you or others have questions about my suggested "mission" for the Committee, please contact me.

Sincerely yours, -



G. Fred Lee, PhD, DEE

Copy to: V. Connor  
GFL:jlc  
Enclosure